

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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In re: :  
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THE FINANCIAL OVERSIGHT AND : PROMESA  
MANAGEMENT BOARD FOR PUERTO RICO, : Title III  
:  
as representative of : Case No. 17-BK-3283 (LTS)  
:  
THE COMMONWEALTH OF PUERTO RICO *et al.*, : (Jointly Administered)  
:  
Debtors.<sup>1</sup> :  
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**MOTION REQUESTING ENTRY OF ORDER SETTING BRIEFING SCHEDULE AND  
HEARING (IF ANY) ON MOTION OF OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS TO AMEND TENTH AMENDED NOTICE, CASE MANAGEMENT AND  
ADMINISTRATIVE PROCEDURES REGARDING DISCLOSURE REQUIREMENTS  
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2019**

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors (the “Committee”)<sup>2</sup> respectfully submits this motion (the “Motion”) requesting entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), setting a briefing schedule and hearing (if any) on the *Motion of Official Committee of Unsecured Creditors to Amend Tenth Amended Notice, Case Management and Administrative Procedures Regarding Disclosure Requirements Pursuant to*

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> The Committee is the official committee of unsecured creditors for all Title III Debtors, other than PBA and COFINA.

*Federal Rule of Bankruptcy Procedure 2019* (the “Rule 2019 Motion”).<sup>3</sup> In support of this Motion, the Committee respectfully states as follows:

### **JURISDICTION AND VENUE**

1. The United States District Court for the District of Puerto Rico has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA.<sup>4</sup>

2. Venue is proper pursuant to section 307(a) of PROMESA.

3. The statutory bases for the relief requested herein are section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9006, made applicable to these Title III cases by sections 301(a) and 310 of PROMESA, Rule 9013-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the District of Puerto Rico (the “Local Rules”), and the *Tenth Amended Notice, Case Management and Administrative Procedures* [Exhibit 1 to Docket No. 8027] (the “Case Management Procedures”).

### **RELIEF REQUESTED**

4. By this Motion, the Committee respectfully requests entry of the Proposed Order scheduling a briefing schedule and hearing (if any) on the Rule 2019 Motion, in the Court’s discretion.

### **BASIS FOR RELIEF REQUESTED**

5. Bankruptcy Rule 9006(c)(1) provides that “the court for cause shown may in its discretion with or without motion or notice order the period [for notice] reduced.” Further, Local Rule 9013-1(a) allows a party to request that a court “consider a motion on an expedited basis.”

6. In light of the Court’s prior admonition that urgent relief should be requested sparingly, the Committee does not seek expedited consideration of the Rule 2019 Motion. The

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<sup>3</sup> All capitalized terms used but not defined herein have the meanings set forth in the Rule 2019 Motion.

<sup>4</sup> References to PROMESA are references to 48 U.S.C. §§ 2101 *et seq.*

Committee believes that, given the Oversight Board's recent request for an accelerated schedule for the approval of a disclosure statement, the Rule 2019 Motion should be heard prior to the April 22, 2020 omnibus hearing. Moreover, the Committee submits that the Rule 2019 Motion does not require extensive briefing because the Rule 2019 issues have already been briefed and argued in connection with prior motions under Rule 2019. The Committee leaves it to the Court's discretion to set the briefing and hearing (if any) schedule (and how compressed such schedule should be) in connection with the Rule 2019 Motion, though it proposes that to the extent the Court determines that a hearing is necessary such hearing be scheduled to take place in New York.

#### **NOTICE**

7. Notice of this Motion has been provided to the following entities, or their counsel, if known: (i) the U.S. Trustee; (ii) the Office of the United State Attorney for the District of Puerto Rico; (iii) the Oversight Board; (iv) the Puerto Rico Fiscal Agency and Financial Advisory Authority; (v) the Official Committee of Retired Employees of the Commonwealth of Puerto Rico; (vi) the insurers of the bonds issued or guaranteed by the Debtors; (vii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors; and (viii) all parties that have filed a notice of appearance in the above-captioned Title III cases.

#### **NO PRIOR REQUEST**

8. No previous request for the relief requested herein has been made to this or any other court.

*[Remainder of page intentionally left blank.]*

WHEREFORE, the Committee respectfully requests the Court to enter the proposed order, substantially in the form attached hereto as **Exhibit A**, and grant the Committee such other relief as is just and proper.

Dated: February 25, 2020

/s/ Luc A. Despins

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- and -

/s/ Juan J. Casillas Ayala

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